

Remarks

In this discussion set forth below, Applicant does not acquiesce to any rejection or averment in this Office Action unless Applicant expressly indicates otherwise.

The non-final Office Action dated May 13, 2008, lists the following objections and rejections: an objection to the abstract; an objection to claims 5 and 7; claims 5-10 stand rejected under 35 U.S.C. § 112(2); claims 5-6, 8 and 10 stand rejected under 35 U.S.C. § 102(e) over Kloen *et al.* (U.S. Patent No. 7,176,582); and claim 7 stands rejected under 35 U.S.C. § 103(a) over Kloen. The Office Action also indicated that claim 9 is objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form.

In response to the potentially allowability of claim 9, Applicant has rewritten claim 9 in independent form including limitations of base claim 5. Applicant has also added new claims 14-16, which depend from claim 9. Thus, Applicant submits that, as is consistent with the instant Office Action, claims 9 and 14-16 are in condition for allowance.

In response to the objection to the abstract, Applicant has provided a copy of the abstract on a separate sheet as requested by the Office Action as is indicated on page 2 of this paper. As such, Applicant requests that the objection to the abstract be withdrawn.

In response to the objection to claims 5 and 7, Applicant has amended these claims in a manner consistent with that suggested by the Office Action. Thus, Applicant requests that the objection to claims 5 and 7 be withdrawn.

Applicant respectfully traverses the § 112(2) rejection of claims 5-10 because the claims do particularly point out and distinctly claim that which Applicant regards as the invention. *See, e.g.*, M.P.E.P. 2173.05(e) (explicit antecedent basis is not required). Notwithstanding, in an effort to facilitate prosecution, Applicant has amended claim 5 to replace “the interconnection layer” with “the patterned connection later”, and claim 6 to replace “the bond pads” with “bond pads”. In response to the Office Action’s request for clarification regarding line 5 of claim 5, which recites “contact pads for coupling to an external carrier or an element”, the external carrier and the element in line 5 do not refer to the previously recited carrier and electric element respectively. Applicant submits that

it would be clear to the skilled artisan that the contact pads are for coupling to an external carrier or an external element (*i.e.*, a carrier or an element that is not part of the electronic device). Accordingly, Applicant requests that the § 112(2) rejection of claims 5-10 be withdrawn.

Applicant respectfully traverses the § 102(e) rejection of claims 5-6, 8 and 10 because the cited portions of the Kloen reference do not correspond to the claimed invention which includes, for example, aspects directed to a protective layer present at the second side of the carrier that protects an interface between the intermediate layer and the contact pads. The Office Action improperly alleges that Kloen's fourth layer 17 corresponds to the claimed protective layer based on the erroneous assertion that since Kloen's fourth layer 17 covers second layer 12 and third layer 13, it covers and protects the interface between the second and third layers. *See, e.g.*, Figure 4. Applicant submits that correspondence to the claimed protective layer cannot be shown simply by citing to a layer that covers the second and third layers 12 and 13 and then concluding that this layer protects the interface between these layers. Notwithstanding, in an effort to facilitate prosecution, Applicant has amended claim 5 to recite that the protective layer is in contact with the intermediate layer. Applicant submits that the cited portions of Kloen do not teach that layer 17 is in contact with layer 12 because Kloen teaches that layer 13 separates layer 17 from layer 12. *See, e.g.*, Figure 4. Accordingly, Applicant requests that the § 102(e) rejection of claims 5-6, 8 and 10 be withdrawn.

The new claims 11-13, which depend from claim 5, should be allowable over the Kloen reference for at least the reasons discussed above.

Applicant respectfully traverses the § 103(a) rejection of claim 7 because the Kloen reference does not qualify as prior art under § 103. Specifically, Applicant hereby invokes § 103(c) and alleges that the subject matter of the claimed invention and of the cited Kloen reference "were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." According to M.P.E.P. § 706.02, the rejection under 35 U.S.C. 103(a) should be withdrawn because "(s)ubject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were,

at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.” This portion of the M.P.E.P. goes on to state that such subject matter which was prior art under former 35 U.S.C. 103 via 35 U.S.C. 102(e) is now disqualified as prior art against the claimed invention.

The Kloen reference appears to have been first published on October 16, 2003, and the instant application is entitled to a priority date of at least October 15, 2003 (via EP 03103818.5). Thus, Applicant assumes that the Kloen reference has been asserted as prior art under § 102(e) (*see also* the § 102(e) of claims 5-6, 8 and 10 presented in the Office Action). The Kloen reference and the instant application to Schriks *et al.* were at all relevant times assigned to Koninklijke Philips Electronics N.V. Accordingly, Applicant submits the Kloen reference does not qualify as prior art by way of § 102(e) and § 103(c). Accordingly, the § 103(a) rejection of claim 7 is improper and must be withdrawn.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063 (or the undersigned).

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